



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/152863

PRELIMINARY RECITALS

Pursuant to a petition filed October 17, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to FoodShare benefits (FS), a hearing was held on November 19, 2013, at Kenosha, Wisconsin.

The issue for determination is whether the agency properly determined the sufficiency of petitioner's FS for October 2013.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
[REDACTED]

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On August 12, 2013 the agency issued a notice to petitioner stating that he had a renewal for FS due by September 30, 2013. See Exhibit 1.

3. On September 18, 2013 the agency issued a notice to petitioner stating that his FS would end on October 1, 2013 because his renewal had not been completed. See Exhibit 2.
4. On September 27, 2013 the agency received an unsigned request for assistance form from petitioner. See Exhibit 3.
5. On September 30, 2013 the agency worker called petitioner to inform him that a signature was needed to complete the renewal. The petitioner refused to complete the renewal over the phone and said he would come in another day to complete the renewal. The agency then withdrew his request for assistance. His FS closed on October 1, 2013.
6. On October 17, 2013 petitioner completed his FS renewal with no reported changes.
7. On October 18, 2013 the agency issued a notice to petitioner that his FS were open effective October 17, 2013. His FS were prorated for October because his application was made on October 17. He was issued \$85 in FS for October and \$165 for November. See Exhibit 6.

DISCUSSION

The Federal regulations governing the FS program require a periodic case review or "re-certification" be performed as a condition of ongoing FS eligibility. 7 CFR § 273.14. FS are not to be continued beyond the re-certification deadline until the re-certification process has been completed. *Id.*; see also *FoodShare Handbook* §2.2.1., available online at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>. In order to complete the renewal, the agency had to get petitioner's signature to verify the accuracy of the information provided and that he understood his rights and responsibilities. See *FoodShare Handbook* §2.1.3.4. Because he did not provide his signature, the agency acted correctly in closing his FS case. See *FoodShare Handbook* §2.2.1.4. His FS then were properly prorated from the date of his new application. See *FoodShare Handbook* §2.1.1.3.

Petitioner could not articulate why he filed the appeal. He could not show any error or incorrect negative action against his FS. His record indicates that some contact has been made with Society's Assets to arrange for an authorized representative. It is recommended that he consider getting an authorized representative to help him navigate the complexities of public assistance benefits.

CONCLUSIONS OF LAW

The agency properly determined the sufficiency of petitioner's FS for October 2013.

THEREFORE, it is

ORDERED

That the petition for review herein be dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of November, 2013

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 20, 2013.

Kenosha County Human Service Department
Division of Health Care Access and Accountability